

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MEDIS, S.A.,

Plaintiff,

v.

JP MORGAN CHASE BANK, N.A.

Defendant.

Case No. 22-cv-00849(PKC)(SDA)

JPMORGAN CHASE BANK, N.A.

Counterclaim-Plaintiff,

v.

MEDIS, S.A.,

Counterclaim-Defendant.

JPMORGAN CHASE BANK, N.A.

Third-Party Plaintiff,

v.

NARCISA C. LEWIS and DROMEX
INTERNATIONAL, S.A.

Third-Party Defendants.

JUDGMENT ON INTERPLEADER COMPLAINT

This matter comes before the Court by defendant and interpleader plaintiff JPMorgan Chase Bank, N.A.'s ("Chase") motion ("Motion") for an order: (i) granting Chase leave to deposit the interpleader funds in the amount of \$117,200.30 into the Disputed Ownership Fund ("DOF") in the Court Registry Investment System ("CRIS") of the United States District Court, Southern District of New York; (ii) discharging Chase from further liability regarding these funds and

dismissing Chase with prejudice from this Action; (iii) enjoining counterclaim-defendant Medis, S.A. (“Medis”) and third-party defendant Dromex International, S.A. (“Dromex”) from further litigating, or instituting, any action against Chase related to the interpleader funds, in any state or federal court; (iv) awarding Chase its reasonable attorneys’ fees and costs incurred in bringing the interpleader action in the amount of \$11,040.40, to be paid from the interpleader funds before deposited with the Court; and (v) dismissing Medis’s claims against Chase.

This action was commenced on January 11, 2022 in New York State court with the filing of a summons and complaint (“Complaint”) by Plaintiff Medis, S.A. (“Medis”) against Chase. Dkt. No. 1-1. This action was removed to this Court on February 1, 2022. Dkt. No. 1. Medis alleges in its Complaint it was fraudulently induced to wire \$123,660.00 (“Funds”) to a Chase bank account held by a “fraudster.” Complaint ¶ 11.¹ Medis claims that the Funds belong to it, and demands judgment against Chase in that amount. Complaint ¶ 23.

Chase filed an answer to the Complaint and an interpleader counterclaim against Medis and interpleader third-party claims against Narcisa C. Lewis (“Lewis”) and Dromex on March 31, 2022 (“Interpleader Complaint”). Dkt. No. 11. Chase alleges in the Interpleader Complaint that the Funds were transferred to a Chase account ending 8333 (“Account”) on June 10, 2021. Interpleader Complaint at 2 ¶ 1. Lewis is the holder of the Account. *Id.* at 9-10 ¶ 10. Dromex is Medis’s intended recipient of the transfer. *Id.* at 11 ¶ 23; Complaint ¶¶ 11-12. The Interpleader Complaint alleges a cause of action for interpleader pursuant to Fed. R. Civ. P. 22 and 28 U.S.C. § 1335 for a judicial determination of the rights, if any, of Medis, Lewis, and Dromex to the Funds. Interpleader Complaint at 11-12 ¶¶ 20-27.

¹ Chase claims in its Motion that the Funds total \$123,630.00, rather than the \$123,660.00 alleged in the Complaint. *See* Dkt. No. 42 at 2 n.1. Medis did not respond to this claim in Chase’s Motion.

Default judgment against Lewis was granted on July 14, 2022. Dkt. No. 36. Chase moved for, and on July 19, 2022, the Clerk issued, a Certificate of Default against Dromex. *See* Dkt. No. 39.

On August 2, 2022, Chase filed the Motion for judgment on its interpleader complaint, among other relief requested therein. *See* Dkt. Nos. 41-43. Medis did not timely respond to the Motion. In a minute entry dated October 31, 2022, the Court granted Chase leave to “submit a supplemental application for attorneys fees.” On November 11, 2022, Chase submitted a supplemental motion for additional attorneys’ fees incurred since the Motion was filed. *See* Dkt. Nos. 47-48.

Upon consideration of the motion papers, and all files, records and proceedings herein, the Court finds that the facts set forth in the Interpleader Complaint merit entry of judgment against Medis and default judgment against Dromex on the cause of action alleged in the Interpleader Complaint. It is therefore:

ORDERED, that Chase’s motion for judgment against Medis and default judgment against Dromex is GRANTED as to all counts in the Interpleader Complaint; and it is

ORDERED, that Chase is awarded \$11,040.40 in attorney’s fees in costs, to be deducted from the interpleader funds before deposited with the Court; and it is

ORDERED, that Chase shall issue and send a check payable to the Clerk, United States District Court, in the amount of \$112,619.60 (\$123,630.00 less \$11,040.40 in attorneys’ fees), and as soon as the business of the Clerk’s office allows, the Clerk shall deposit those funds into the Disputed Ownership Fund within the Court Registry Investment System, administered by the Administrative Office of the United States Courts pursuant to 28 U.S.C. § 2045.

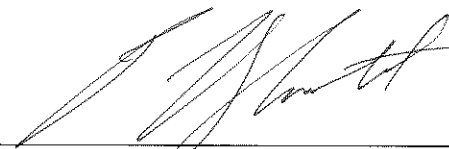
ORDERED, that upon Chase's deposit into the Court, Chase is discharged from any and all liability to Medis and Dromex with respect to the Funds in the Account; and it is

ORDERED that Medis's Complaint is dismissed as against Chase with prejudice; and it is

ORDERED that Medis and Dromex are permanently restrained and enjoined from instituting or prosecuting any proceeding, in any jurisdiction, affecting the Funds involved in this action until further order of the Court.

New York, New York

November 22, 2022

A handwritten signature in black ink, appearing to read "P. Kevin Castel", written over a horizontal line.

Hon. P. Kevin Castel, U.S.D.J.